

## The Highland Licensing Board

Meeting – 06 August 2013

Agenda Item	10.5
Report No	HLB/092/13

### Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

**Nairn Sailing Club, The Clubhouse, Harbour Street, Nairn IV12 4PH**

#### Report by the Clerk to the Licensing Board

##### Summary

REF: HC/INBS/305

This Report relates to an application for a major variation of Premises Licence.

**Premises:** Nairn Sailing Club, The Clubhouse, Harbour Street, Nairn IV12 4PH

**Applicant:** Nairn Sailing Club, per Yvonne Forgan, The Clubhouse, Harbour Street, Nairn IV12 4PH

## 1 Description of Premises

The premises is a two-storey sailing Clubhouse adjacent to Nairn Harbour offering On Sales Fridays and Saturdays, which converted under the transition from the Licensing (Scotland) Act 1976.

## 2 Summary of Variation Application

### 2.1 Variation Sought

- Change to core licensing hours:  
On Sales-  
Saturdays 12.00 to 23.30 (currently 20.00 – 23.30)  
Sundays 12.00 to 22.00 (currently closed)
- Addition of Seasonal Variations:  
Hogmanay Party (31 December); Burns Supper (25 January),  
Halloween Celebrations (31 October) 17.00 to 24.00 hrs.

## 3 Background

3.1 The premises are licensed for on sales and were converted from the 1976 Act.

On 31 May 2013 the Licensing Board received an application for a major variation of a Premises Licence from the applicant's agent, Yvonne Forgan.

3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant had to display a Notice on site for the same period (10 June to 01 July 2013). Confirmation of display of the site note has been received.

3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.

3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.

3.5 No objections have been received in respect of the application.

#### **4 Legislation**

4.1 The Licensing Board must in considering and determining the application, consider whether any grounds of refusal apply and if none of them applies, the Board must grant the application.

Relevant grounds of refusal may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to; (i) the nature of the activities carried on or proposed to be carried on in the subject premises, (ii) the location character and condition of the premises, and (iii) the persons likely to frequent the premises, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

4.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

#### **5 Licensing Standards Officer's Comments**

The Nairn Sailing Club is a long established Private Members' Club operating in the harbour area of Nairn. Apart from providing facilities for its members to participate in sailing and ancillary activities it has a large bar and function area on its upper storey.

The Club has been responsibly managed and has never come to Police or the LSO's attention in an adverse light.

In order to assist in the financial viability of the Club the core hours of operation have been requested to be extended as per this Report. The variation is within the scope of the Highland Licensing Board Policy hours and will assist in providing facilities at regattas and Club functions, the majority of which occur during the summer months.

In addition a Seasonal variation has been requested within the variation application, this will allow the Club to open for specific function nights of Hogmanay (31st December), Halloween (31st October) and Burns Night (25th January) Between the hours of 17.00 and 24.00. This again is within Board Policy Hours and will help the Club in terms of fundraising.

The Premises have been visited by the LSO and are of a high standard and well maintained.

## **6.0 HLB Local Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

## **7.0 Conditions**

### **7.1 Mandatory Conditions**

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

### **7.2 Local Conditions**

Existing Local Conditions will continue to apply.

### **7.3 Specific Condition(s)**

None recommended.

## **8 Recommendation**

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/305

Date: 5/6/2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form.